

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JERRY GORALSKI LAMB,

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Plaintiff,

*

v.

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Civ. No. PX-16-2705

**COMMANDER, NAVAL AIR
SYSTEMS COMMAND, PAUL
GROSKLAGS, et al.,**

*

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Defendants.

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CONSENT MOTION FOR EXTENSION OF TIME

The defendants, by undersigned counsel, with the consent of Plaintiff, by counsel, submit this motion for extension of time to file a response to the Second Amended Complaint, and state as follows:

1. On November 28, 2016, Plaintiff, acting *pro se*, filed an amended complaint. ECF No. 11. On April 10, 2017, a summons and a copy of the Amended Complaint was served on the United States Attorney for the District of Maryland.

2. On August 23, 2017, the defendants filed a motion to dismiss the Amended Complaint or, in the alternative, for summary judgment. ECF No. 23.

3. Thereafter, Plaintiff retained counsel and, on October 13, 2017, Plaintiff, by and through counsel, filed an opposition to the defendants' motion, ECF No. 30, and a Second Amended Complaint, ECF No. 30-4. However, a comparison copy of the Second Amended Complaint "in which stricken material has been lined through or enclosed in brackets and new material has been underlined or set forth in bold type," as required by Local Rule 103.6(c) was not filed or served at that time.

4. On October 23, 2017, the defendants, with the consent of Plaintiff, by counsel, filed a motion for extension of time to file a reply, ECF No. 31, which, on October 25, 2017, this Court granted, ECF No. 32.

5. Subsequently, counsel for the parties conferred and agreed that, in light of the Second Amended Complaint filed in connection with Plaintiff's opposition to the defendants' motion, the proper procedure was for the defendants to respond to the Second Amended Complaint rather than file a reply in response to Plaintiff's opposition to the defendants' motion.

6. To date, a comparison copy of the Second Amended Complaint has not been filed and served. Counsel for the parties have conferred, and Plaintiff's counsel has indicated that he will be filing and serving a comparison copy of the Second Amended Complaint shortly.

7. To permit them sufficient time to review and consider the comparison copy of the Second Amended Complaint once it is filed and served, the defendants request an extension of their time to respond to the Second Amended Complaint to thirty (30) days after the date on which Plaintiff files and serves a comparison copy of the Second Amended Complaint.

8. Plaintiff, by counsel, graciously consents to the requested extension.

WHEREFORE, the defendants, with the consent of Plaintiff, by counsel, respectfully request that this Court grant this motion and extend their deadline to file a response to the Second Amended Complaint until thirty (30) days after the date on which Plaintiff files and serves a comparison copy of the Second Amended Complaint.

Respectfully submitted,

Stephen M. Schenning
Acting United States Attorney

/s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 22nd day of November 2017, a copy of the foregoing Consent Motion for Extension of Time and accompanying proposed Order was electronically filed and served on all counsel of record via the Court's CM/ECF system.

/s/

Kelly M. Marzullo (Bar No. 28036)
Assistant United States Attorney